

**AMENDED BIRMINGHAM CITY COMMISSION AGENDA**  
**OCTOBER 24, 2022**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Therese Longe, Mayor

**II. ROLL CALL**

Alexandria Bingham, City Clerk

**III. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS, AWARDS, APPOINTMENTS, RESIGNATIONS AND CONFIRMATIONS, ADMINISTRATION OF OATHS, INTRODUCTION OF GUESTS AND ANNOUNCEMENTS.**

**ANNOUNCEMENTS**

- The City recommends members of the public wear a mask if they have been exposed to COVID-19 or have a respiratory illness. City staff, City Commission and all board and committee members must wear a mask if they have been exposed to COVID-19 or actively have a respiratory illness. The City continues to provide KN-95 respirators and triple-layered masks for attendees.
- The City Clerk's Office will be open on Saturday, November 5, 2022 from 8am-4pm for your last minute absentee voting needs. The deadline to request and receive an absentee ballot by mail is 5pm Friday, November 4. The deadline to obtain an absentee ballot in person at the City Clerk's Office is no later than 4pm on November 7. If you need to register to vote or update your voter registration, all registration actions must take place in person at the City Clerk's office from now through Election Day.
- Happy Birthday Commissioner Haig!
- County Commissioner Comments regarding the County Transit Millage.

**APPOINTMENTS**

**A. Appointments to the Board of Zoning Appeals**

- Pierre Yaldo
- Ron Reddy
- Richard Lilley

To appoint \_\_\_\_\_ as a regular member to the Board of Zoning Appeals to serve a three-year term to expire October 10, 2025.

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**B. Appointments to the Multi-Modal Transportation Board**

- Patrick Hillberg

- Gordon Davies
- Mark Doolittle

To appoint \_\_\_\_\_ as a regular member to the Multi-Modal Transportation Board to serve the remainder a three-year term to expire March 24, 2023.

To appoint \_\_\_\_\_ as an alternate member to the Multi-Modal Transportation Board to serve a three-year term to expire October 27, 2025.

To appoint \_\_\_\_\_ as an alternate member to the Multi-Modal Transportation Board to serve a three-year term to expire October 27, 2025.

- C. Appointment to the Birmingham Shopping District
- Amy Pohlod

To make a motion to concur with the City Manager's appointment of Amy Pohlod to the Birmingham Shopping District Board, who has an interest in property in the district, to serve for a 4-year term expiring November 16, 2026.

- D. Appointments to the Museum Board
- Alexandra Harris
  - Caroline Ashleigh

To appoint \_\_\_\_\_ to the Museum Board as a regular member to serve the remainder of a three-year term to expire July 5, 2023.

#### **IV. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA**

#### **V. CONSENT AGENDA**

All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a roll call vote. There will be no separate discussion of the items unless a Commissioner or citizen so requests, in which event the item will be removed from the general order of business and considered under the last item of new business.

*\*Minutes from the Strategic Planning Workshop on Tuesday, October 11, 2022 will be available at the November 14, 2022 City Commission meeting.*

- A. Resolution to approve the City Commission workshop meeting minutes of October 3, 2022.
- B. Resolution to approve the City Commission meeting minutes of October 3, 2022.
- C. Resolution to approve the warrant list, including Automated Clearing House payments, dated October 5, 2022, in the amount of \$438,162.55.
- D. Resolution to approve the warrant list, including Automated Clearing House payments, dated October 12, 2022, in the amount of \$2,678,898.53.
- E. Resolution to approve the warrant list, including Automated Clearing House payments, dated October 19, 2022, in the amount of \$2,074,761.24.

- F. Resolution to approve the purchase of Powerphone training services and implementation for the new EMD protocols, and waive the normal bidding requirements. This project was budgeted in the 2022-2023 fiscal year and funds are available in the Training account 101.0-325.000.957.0100 in the amount of \$12,498.
- G. Resolution to approve the payment of \$35,000.00 to Wiss, Janney, Elstner Associates, Inc. (WJE) for Change Order Fees related to the 2021 Parking Structure Construction Period Services and charge the following accounts:

<u>Account #</u>	<u>Description</u>	<u>Amount</u>
514.1-594.003-977.0000	Park Street - Buildings	\$2,000.00
514.1-594.004-977.0000	Peabody Street - Buildings	\$8,70.00
514.1-594.005-977.0000	North Woodward - Buildings	\$11,170.00
514.1-594.008-977.0000	Chester Street - Buildings	\$13,130.00
Total:		\$35,000.00

- H. Resolution to approve the purchase of a Brush Bandit Intimidator 15XP, from Bandit Industries, Inc., located at 6750 Millbrook Road, Remus, MI 49340, through the State of Michigan MiDeal extendable purchasing contract #171-190000000301, in the amount not to exceed \$55,944. Funds for this purchase are available in the FY 2022-2023 Auto Equipment Fund account #661.0-441.006.971.0100.
- I. Resolution to approve the purchase of one (1) Toro Proforce Debris Blower from Spartan Distributors, through the OMNIA Cooperative Purchasing Agreement #2017025, for an amount not to exceed \$9,829.56. Funds for this purchase are available in the FY 2022-2023 Auto Equipment Fund account #661.0-441.006.971.0100.
- J. Resolution to approve the purchase of a one-year subscription of Cartegraph Solutions Software with Cartegraph Systems for a cost not to exceed \$31,360. Funds are available from the Sewage Disposal account, #590.0-538.000-811.0000, Water System account #591.0-545.000-811.0000, and General Fund, Parks Other Contractual Service account, # 101.0-751.811.0000 for this service. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of notarized signatures and proof of required insurance from Cartegraph.
- K. Resolution to approve the purchase and planting of one hundred and forty-four (144) trees from KLM Landscape for the Fall 2022 Tree Purchase and Planting Project for a total project cost not to exceed \$64,260.00. Funds are available from the Local Streets Fund-Forestry Service Contract account #203.0-449.005-819.0000, the Major Streets Fund-Forestry Service Contract account #202.0-449.005-819.0000, the Local Streets Fund-Operating Supplies account #203.0-449.005-729.0000, the Major Streets Fund-Operating Supplies account #202.0-449.005-729.0000 for these services. Further, to authorize the Mayor and City Clerk to sign the agreement on behalf of the City upon receipt of required insurances.
- L. Resolution to approve the purchase of two (2) 2023 Ford Explorers from Garno Ford, located at 22025 Allen Road, Woodhaven, MI 48183, under the State of Michigan MiDeal Cooperative Purchase Agreement #4WDU-00S0A, in the amount not to exceed \$79,104

for both vehicles. Funds for this purchase are available in the FY 2022-2023 Auto Equipment Fund account #661.0-441.006. 971.0100.

- M. Resolution to approve the purchase of (35–355<sup>1</sup>) meter replacement batteries in the amount not to exceed \$182,825 from Etna Supply Company located at 2158 Gratiot Avenue, Detroit, MI 48207. Funds for this purchase are available in the Meter Shop- Meter account #591.0-541.000-747.0000.
- N. Resolution to approve the purchase of the fertilizers and other turf products for Lincoln Hills and Springdale Golf Courses from Harrell's for \$24,000, Target Specialty Products for \$24,000, and Great Lakes Turf for \$9,000, with the total amount of all purchases not to exceed \$57,000 from all three vendors combined. Funds for this purchase are available in #584.1-753.001-729 and 584.2-753.001-729.
- O. Resolution to confirm the City Manager's authorization for the emergency expenditure related to sewer repair north of Warren Court by D'Angelo Brothers Inc., which is located at 30836 West 8 Mile Road, Farmington Hills, MI 48336, for a cost of \$14,334.04 to be charged to Sewer Fund account #590.0-538.000-811.0000, pursuant to Sec. 2-286 of the City Code.
- P. Resolution to confirm the City Manager's authorization for the emergency expenditure related to sewer repair along the south side of Redding Road west of Pilgrim Avenue by D'Angelo Brothers Inc., which is located at 30836 West 8 Mile Road, Farmington Hills, MI 48336, for a cost of \$7,293.23 to be charged to Sewer Fund account #590.0-538.000-811.0000, pursuant to Sec. 2-286 of the City Code.
- Q. Resolution to approve the project budget increase for Contract #10-22 (SW), 2022 Trip Hazard Elimination Program, by \$50,000.00 to a total budget of \$245,000.00, for work to be completed through June 30th, 2023. Funding for this project has been budgeted in account # 101.0-444.000-981.0100.
- R. Resolution to authorize the City Clerk to complete the Local Approval Notice at the request of BHIP Townsend Hotel, LLC to approve the request of BHIP Townsend Hotel, LLC to transfer the ownership in the Townsend Hotel which holds the Class B Hotel and SDM License with Sunday Sales (AM and PM), One Outdoor Service Area Permit and One Outdoor Service Area on Public Property Permit, Dance/Entertainment Permits, catering Permits, Six additional Bar Permits and Official Permit (Food) located at 100 Townsend, Birmingham, Oakland County, MI from THC Investors Limited Partnership to BHIP.
- S. Resolution to approve the lease between the City of Birmingham and THC Investors Limited Partnership for the leasing of public property for valet services for the Townsend Hotel on Merrill and Townsend Street, in the amount of \$23,328 per year, with a one year term, with the addition of the illustration presented as Exhibit A; and further, to direct the Mayor and City Clerk to sign the lease agreement on behalf of the City.  
AND  
Resolution to approve the assignment of the Townsend Hotel lease agreement from THC Investors Limited Partnership to BHIP Townsend Hotel, LLC; and further, to direct the Mayor and City Clerk to sign the assignment of the lease agreement on behalf of the City.

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<sup>1</sup> Corrected 10/21/22 11:30 am

- T. Resolution to set a public hearing date of December 5th, 2022 to consider the proposed Zoning Ordinance Amendment to Article 3, Section 3.04(D)(3) of the Downtown Overlay Parking Requirements to allow nonresidential uses in the D4 Zone located outside of the former parking assessment district to reduce or eliminate parking requirements under the provision of a Special Land Use Permit.
- U. Resolution to set a public hearing date of November 28th, 2022 to consider ordinance amendments to Article 1, Table B of the Sign Ordinance to add language to permit projecting signs to be located no higher than the sign band and no less than 8 ft. above grade.

## **VI. UNFINISHED BUSINESS**

## **VII. NEW BUSINESS**

- A. Public Hearing of Necessity - Birmingham Shopping District Special Assessment District Renewal
  - 1. Resolution declaring necessity and approving a Special Assessment District with special assessments levied in accordance with benefits that will be derived for the properties within such assessment district. The City Commission further directs the Manager and City staff to follow all the prescribed requirements and steps detailed in City Code Chapter 94 for Special Assessments. The Special Assessment District shall include all properties within the Birmingham Shopping Districts 1 and 1A. And, the City Commission will meet on Monday, November 14, 2022 at 7:30 P.M. for the purpose of conducting the Confirmation of the Assessment Roll for the Birmingham Shopping District Special Assessment for properties within the Birmingham Shopping Districts 1 and 1A.
- B. Public Hearing - Special Land Use Permit Amendment for 100 Townsend - Townsend Hotel
  - 1. Resolution to approve a Special Land Use Permit Amendment for 100 Townsend – Townsend Hotel – to allow the transfer of ownership and the existing Special Land Use Permit from THC Investors Limited Partnership to BHIP Townsend Hotel, LLC; and further to direct the Mayor and City Clerk to sign the Special Land Use Permit agreement on behalf of the City.
- C. Public Hearing - Amendment to the Zoning Ordinance to revise window standards
  - 1. Motion to adopt an ordinance to amend Article 3, Section 3.04, Article 3, Section 3.09, Article 4, Section 4.90 and Article 9, Section 9.02 of the Zoning Ordinance to revise the window standards to adjust the definition of clear glazing and to eliminate lightly tinted glazing.
- D. Public Hearing - Amendment to the Zoning Ordinance to add language to permit air conditioning units in the required side yard under certain conditions

1. Motion to adopt an ordinance to amend Article 4, Section 4.03 of the Zoning Ordinance to add language to permit air conditioning units in the required side yard under certain conditions.
- E. Resolution to approve the striping of eastbound Brown Street to delineate the existing parking lane with a solid white line from Stanley to Chester Street, add a "Turning Vehicles Yield to Pedestrians" sign on the southbound Chester St. approach, add "Pedestrian Crossing Ahead" signs in advance of the Chester St. and Henrietta Street intersections, and reduce the traffic lanes of Chester Street from 4 lanes to 2 lanes between Townsend Street and W. Brown by adding metered on-street parking in place of the former vehicular lanes.
- F. Resolution to approve the reconfiguration of E. Brown Street reduced to one lane eastbound at Woodward Ave with an extended sidewalk, a midblock pedestrian crossing, and an additional median as illustrated in Alternative A.
- G. Resolution to approve the lease between the City of Birmingham and The Original Hunter House Hamburgers, Inc. for the leasing of City property for the purpose of parking cars for patrons of Hunter House, located at 35075 Woodward Avenue, Birmingham, Michigan, and agree to allow the tenant to lease the City property for a period of six (6) months with a one (1) time renewable six (6) month tenancy, and thereafter a month-to-month tenancy with a thirty (30) day notice to quit in the amount of \$5,442.00 per month, for the privilege of utilizing City property for parking of Hunter House patrons, in addition, to authorize the Mayor and City Clerk to sign the lease on behalf of the City.
- H. Resolution to approve an agreement with Traffic and Safety Control Systems for the purchase and installation of new TIBA parking equipment at all five City structures in the amount not to exceed \$654,856. Additionally, to approve a five-year agreement with Traffic & Safety Control Systems for software fees which include eValidations, monthly permit management system and required equipment software in an amount not to exceed \$169,720 and to authorize the Mayor and City Clerk to sign the agreement on behalf of the City.
- I. Resolution to approve an agreement with FHS Birmingham L.L.C. and Frank Rewold & Sons, Inc. for the coordination of construction activities related to 770 S. Adams on S. Adams Road, Haynes Street, S. Worth Street, and the 16' public alley and to authorize the Mayor and the City Clerk to sign the agreement on behalf of the City.
- J. Motion to adopt an ordinance to amend Part II of the City Code, Chapter 114 – Utilities, Article III. – Sewer Service, Division 5. – Separate Storm Water Sewer System, to include post construction stormwater standards for water quality.
- K. Resolution to authorize Gallagher & Associates, to proceed with implementing Blue Cross Blue Shield insurance for the City's insurance members, starting on January 1, 2023.
- L. Resolution to designate Baldwin Well, Derby Well, Redding Well, and South Well sites as mini-parks as part of the City of Birmingham Parks and Recreation Master Plan inventory. (Parks and Recreation Board Recommendation)  
OR

Resolution to designate South Well sites as parks, and further direct the City Manager to have additional research conducted, prepare recommendations to the Parks and Recreation Board for their deliberations, and recommendation to the City Commission. (City Staff Recommendation)

- M. Commission discussion on items from a prior meeting
  - 1. Baller - Banner

#### **VIII. REMOVED FROM CONSENT AGENDA**

#### **IX. COMMUNICATIONS**

#### **X. REPORTS**

- A. Commissioner Reports
- B. Commissioner Comments
- C. Advisory Boards, Committees, Commissions' Reports and Agendas
- D. Legislation
- E. City Staff
  - 1. City Manager's Report

INFORMATION ONLY

#### **XI. ADJOURN**

Should you wish to participate in this meeting, you are invited to attend the meeting in person or virtually through ZOOM: <https://zoom.us/j/655079760> Meeting ID: 655 079 760  
You may also present your written statement to the City Commission, City of Birmingham, 151 Martin Street, P.O. Box 3001, Birmingham, Michigan 48012-3001 prior to the hearing.

*NOTICE: Individuals requiring accommodations, such as mobility, visual, hearing, interpreter or other assistance, for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice), or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.*

*Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al (248) 530-1880 por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).*